

## **REMARKS**

### **Amendments to the drawings**

Formal replacement sheets 1/3 – 3/3 are enclosed with the present response.

### **Amendments to the claims**

Claims 1-58 are pending in the application. Claims 18 and 40 have been canceled without prejudice. Claims 3, 8, 9, 12, 17, 23, 24, 28-31, 34, 39, 47, 48 and 54-56 have been amended. New claims 59-62 have been introduced. A fee for two additional total claims is enclosed to the present amendment. No new matter has been added.

### **Claim objections**

In section 1 of the Action the Examiner objects to claims 24-28 and 41 as being substantial duplicates of claims 4-8 and 19. The Applicants have amended claim 24 and made it dependent on claim 21. The Applicants submit that the objection of the Examiner has been overcome.

### **Claim rejections – 35 USC § 112**

In section 3 of the Action, the Examiner rejects claim 18 under 35 USC § 112, first paragraph, because allegedly failing to comply with the enablement requirement. Without addressing the merits of the Examiner's contention, the Applicants note that claim 18 has been canceled, thus rendering the rejection of the Examiner moot.

In section 4a of the Action, the Examiner rejects claims 3, 8-9, 23, 28-31, 48 and 54-56 and requires correction. The Applicants have corrected the rejected claims and submit that the rejection of the Examiner has been overcome.

In section 4b of the Action, the Examiner rejects claim 12 and requests correction. The Applicants have corrected claim 12 as requested by the Examiner and believe that the rejection has been overcome.

In section 4c of the Action, the Examiner rejects claim 17 because of the wording "extremely reduced." The Applicants have canceled the term "extremely" and submit that claim 17 as amended does not offend 35 USC § 112 second paragraph in view of the fact that the term "reduced" does not need to be specified because it just establishes a comparison between the bandwidth of the first audio and video signals and the bandwidth of the additional signals. Therefore, the Applicants believe that the rejection of the Examiner has been overcome.

In section 4d of the Action, the Examiner rejects claim 18 under 35 USC § 112 second paragraph. Without addressing the merits of the Examiner's contention, the Applicants note that claim 18 has been canceled, thus rendering the rejection of the Examiner moot.

#### **Claim Rejections – 35 USC § 103**

##### **Claims 1, 21, 43 and 50**

In section 6 of the Action, the Examiner rejects claims 1, 21, 43 and 50 under 35 USC § 103(a) as being unpatentable over U.S. Pat. No. 5,600,368 to Matthews, in view of U.S. Pat. No. 6,233,428 to Fryer and U.S. Pat. No. 5,170,252 to Gear. The Applicants respectfully disagree.

According to the Examiner (lines 3-4 of section 6a of the Action), Matthews discloses a streaming server at column 6, lines 1-15. However, lines 1-15 of column 6 in Matthews refer to steps 84-92 of Figure 4 in Matthews. Those steps refer to viewer selection and display on a TV, not to a streaming server.

Further, in lines 5-8 of section 6a of the Action, the Examiner apparently believes that column 5, lines 17-46 of Matthews disclose a "feed distributor." It appears that the Examiner is of the opinion that channel selector 74 in Matthews is a feed distributor. See also Figure 4 in Matthews. However, claim 1 recites "*a feed distributor connected between the audio and video sources and the streaming server.*"

Such connection is not taught in Matthews, as also admitted by the Examiner in the first full paragraph of page 5 of the Action.

According to the Examiner, the person skilled in the art would arrive at the connection recited in claim 1 by looking at Fryer (see reference to column 7, lines 25-28 of Fryer in the paragraph bridging pages 5 and 6 of the Action). Apparently, the Examiner is of the opinion that also element 3 in Fryer, a broadcast server, is a feed distributor, so that the person skilled in the art would be motivated to combine element 74 in Matthews with the teachings relating to element 3 in Fryer.

The Applicants respectfully disagree with this line of reasoning. Element 3 in Fryer is a broadcast server, see column 6, lines 35-45 of Fryer and column 7, line 27 of Fryer. To the contrary, element 74 in Matthews is located in the set top box 24 at the reception side (see element 24 in Figures 4 and 6 of Matthews). It goes without saying, that the person skilled in the art would never be motivated to include the teachings relating to a broadcast server (located on a transmission side, like element 3 in Figure 1 of Fryer) into a channel selector of a receiver (like channel selector 74 of set-top box 24 in Figure 4 of Fryer). Therefore, the person skilled in the art would not be motivated to combine Matthews with Fryer to obtain *"a feed distributor connected between the audio and video sources and the streaming server."*

Claim 1 further recites that *"upon switching [between video signals], the feed distributor feeds to the streaming server a second video signal which is different from the first video signal without altering the first audio signal."* The Examiner admits that such feature is not disclosed in Matthews (see first full paragraph at page 5 of the Action). According to the Examiner, such feature is apparently disclosed in Gear (Abstract and lines 29-40 of column 2). The Applicants respectfully disagree.

The Abstract in Gear talks about connection between audio inputs/outputs and

pipes of an audio bus or connection between video inputs/outputs and pipes of a video bus. Further, column 2, lines 29-40 generally talk about interconnection and mixing between audio streams and video streams. The Applicants have not been able to find where, in the above passages, *"feed[ing off] a second video signal . . . different from [a] first video signal [occurs] without altering the first audio signal"* as recited in claim 1. Therefore, such feature is not taught in Gear.

Further, even assuming, *arguendo*, that such feature is disclosed in Gear, where is the motivation for the person skilled in the art to combine such teaching with Matthews or Fryer? In Matthews, the feed distributor is allegedly the channel selector 74 of Figure 4. Such selector clearly cannot feed to the streaming server a signal, because that would mean inverting the direction of the arrows in the set-top box 24 of Figure 4. In Fryer, the feed distributor is allegedly the broadcast server 3 of Figure 1. Such broadcast server "splits a . . . stream into multiple streams" (Fryer, column 7, lines 26-27) at does not itself feed signals.

Therefore, claim 1 is patentable over the cited art. Similar considerations apply to claim 21 (inverting audio with video and vice versa).

Similar considerations also apply to claim 43. In particular, the Applicants have already submitted that the feature *"switch[ing] between video signals, streaming, upon switching, a second video signal which is different from the first video signal without altering the first video signal"* is not disclosed in Gear. Specifically, broadly stating that a video input/output can be connected to any of the video pipes and that an audio input/output can be connected to any of the audio pipes, as taught in Gear, does not anticipate the specific feature that *"a second video signal . . . different from the first video signal [is fed] without altering [an] audio signal."* Therefore, claim 43 and, similarly, claim 50 are patentable over the cited art.

Claims 2-4, 9, 18, 20, 22-24, 40, 42, 44-46, 48 and 51-53

In section 7 of the Action, the Examiner rejects claims 2-4, 9, 18, 20, 22-24, 40, 42,

44-46, 48 and 51-53 under 35 USC § 103(a) as being unpatentable over Matthews, in view of Fryer and Gear. The Applicants respectfully disagree.

Claims 2-4, 9, 18 and 20 depend on independent claim 1. Claims 22-24, 40 and 42 depend on independent claim 21. Claims 44-46 and 48 depend on independent claim 43. Claims 51-53 depend on independent claim 50. The Applicants have already shown that independent claims 1, 21, 43 and 50 are patentable over a combination of Matthews, Fryer and Gear. Therefore, also claims 2-4, 9, 18, 20, 22-24, 40, 42, 44-46, 48 and 51-53 are patentable over Matthews, Fryer and Gear, by virtue of their dependency on claims 1, 21, 43 and 50.

Claims 5-8, 25-28, 47 and 54

In section 8 of the Action, the Examiner rejects claims 5-8, 25-28, 47 and 54 under 35 USC § 103(a) as being unpatentable over Matthews, in view of Fryer and Gear. The Applicants respectfully disagree.

Claims 5-8 depend on claim 1. Claims 25-28 depend on claim 21. Claim 47 depends on claim 43. Claim 54 depends on claim 50. The Applicants have already shown that independent claims 1, 21, 43 and 50 are patentable over a combination of Matthews, Fryer and Gear. Therefore, also claims 5-8, 25-28, 47 and 54 are patentable over Matthews, Fryer and Gear, by virtue of their dependency on claims 1, 21, 43 and 50.

Claims 10, 32, 49 and 57

In section 9 of the Action, the Examiner rejects claims 10, 32, 49 and 57 under 35 USC § 103(a) as being unpatentable over Matthews, in view of Fryer and Gear, and further in view of U.S. Pat. No. 5,706,054 to Hannah. The Applicants respectfully disagree.

Claim 10 depends on claim 1. Claim 32 depends on claim 21. Claim 49 depends on claim 43. Claim 57 depends on claim 50. The Applicants have already shown

that independent claims 1, 21, 43 and 50 are patentable over a combination of Matthews, Fryer and Gear. Further, the Examiner is applying Hannah only with reference to the specific features of claims 10, 32, 49 and 57, and is not using Hannah to cure the above differences between claims 1, 21, 43 and 50 and a combination between Matthews, Fryer and Gear. It follows that the Examiner is not in a position to establish a prima facie 35 USC § 103(a) case against claims 10, 32, 49 and 57. Therefore, claims 10, 32, 49 and 57 are patentable over Matthews, Fryer, Gear and Hannah.

Claims 11, 12, 33 and 34

In section 10 of the Action, the Examiner rejects claims 11, 12, 33 and 34 under 35 USC § 103(a) as being unpatentable over Matthews, in view of Fryer and Gear, and further in view of U.S. Pat. No. 6,757,305 to Soepenber. The Applicants respectfully disagree.

Claims 11 and 12 depend on claim 1. Claims 33 and 34 depend on claim 21. The Applicants have already shown that independent claims 1 and 21 are patentable over a combination of Matthews, Fryer and Gear. Further, the Examiner is applying Soepenber only with reference to the specific features of claims 11, 12, 33 and 34 , and is not using Soepenber to cure the above differences between claims 1 and 21 and a combination between Matthews, Fryer and Gear. It follows that the Examiner is not in a position to establish a prima facie 35 USC § 103(a) case against claims 11, 12, 33 and 34. Therefore, claims 10, 32, 49 and 57 are patentable over Matthews, Fryer, Gear and Soepenber .

Claims 13, 35 and 58

In section 11 of the Action, the Examiner rejects claims 13, 35 and 58 under 35 USC § 103(a) as being unpatentable over Matthews, in view of Fryer, Gear and Soepenber. The Applicants respectfully disagree.

Claim 13 depends on claim 1. Claim 35 depends on claim 21. Claim 58 depends

on claim 50. The Applicants have already shown that independent claims 1, 21 and 50 are patentable over a combination of Matthews, Fryer and Gear. Further, the Examiner is applying Soepenbergl only with reference to the specific features of claims 13, 35 and 58, and is not using Soepenbergl to cure the above differences between claims 1, 21, and 50 and a combination between Matthews, Fryer and Gear. It follows that the Examiner is not in a position to establish a prima facie 35 USC § 103(a) case against claims 13, 35 and 58 . Therefore, claims 13, 35 and 58 are patentable over Matthews, Fryer, Gear and Soepenbergl .

#### Claims 14 and 36

In section 12 of the Action, the Examiner rejects claims14 and 36 under 35 USC § 103(a) as being unpatentable over Matthews, in view of Fryer, Gear and Soepenbergl, and further in view of U.S. Pat. No. 5,649,105 to Alfred. The Applicants respectfully disagree.

Claim 14 depends on claim 1. Claim 36 depends on claim 21. The Applicants have already shown that independent claims 1 and 21 are patentable over a combination of Matthews, Fryer, Gear and Soperbergl. Further, the Examiner is applying Alfred only with reference to the specific features of claims 14 and 36, and is not using Alfred to cure the above differences between claims 1 and 21 and a combination between Matthews, Fryer, Gear and Soperbergl. It follows that the Examiner is not in a position to establish a prima facie 35 USC § 103(a) case against claims 14 and 36. Therefore, claims 14 and 36 are patentable over Matthews, Fryer, Gear, Soepenbergl and Alfred.

#### Claims 15 and 37

In section 13 of the Action, the Examiner rejects claims 15 and 37 under 35 USC § 103(a) as being unpatentable over Matthews, in view of Fryer and Gear, and further in view of U.S. Pat. No. 6,208,335 to Gordon and U.S. Pat. No. 5,613,122 to Burnard. The Applicants respectfully disagree.

Claim 15 depends on claim 1. Claim 37 depends on claim 21. The Applicants have already shown that independent claims 1 and 21 are patentable over a combination of Matthews, Fryer and Gear. Further, the Examiner is applying Gordon and Burnard only with reference to the specific features of claims 15 and 37, and is not using Gordon and Burnard to cure the above differences between claims 1 and 21 and a combination between Matthews, Fryer and Gear. It follows that the Examiner is not in a position to establish a prima facie 35 USC § 103(a) case against claims 15 and 37. Therefore, claims 15 and 37 are patentable over Matthews, Fryer, Gear, Gordon and Burnard.

Claims 16, 17, 38 and 39

In section 14 of the Action, the Examiner rejects claims 16, 17, 38 and 39 under 35 USC § 103(a) as being unpatentable over Matthews, in view of Fryer and Gear, and further in view of U.S. Pat. No. 6,510,553 to Hazra. The Applicants respectfully disagree.

Claims 16 and 17 depend on claim 1. Claims 38 and 39 depend on claim 21. The Applicants have already shown that independent claims 1 and 21 are patentable over a combination of Matthews, Fryer and Gear. Further, the Examiner is applying Hazra only with reference to the specific features of claims 16, 17, 38 and 39, and is not using Hazra to cure the above differences between claims 1 and 21 and a combination between Matthews, Fryer and Gear. It follows that the Examiner is not in a position to establish a prima facie 35 USC § 103(a) case against claims 16, 17, 38 and 39. Therefore, claims 16, 17, 38 and 39 are patentable over Matthews, Fryer, Gear and Hazra .

Claims 19 and 41

In section 15 of the Action, the Examiner rejects claims 19 and 41 under 35 USC § 103(a) as being unpatentable over Matthews, in view of Fryer and Gear, and further in view of Kunda/McCanta (Google Groups). The Applicants respectfully disagree.



Claim 19 depends on claim 1. Claim 41 depends on claim 21. The Applicants have already shown that independent claims 1 and 21 are patentable over a combination of Matthews, Fryer and Gear. Further, the Examiner is applying Kunda/McCanta only with reference to the specific features of claims 19 and 41, and is not using Kunda/McCanta to cure the above differences between claims 1 and 21 and a combination between Matthews, Fryer and Gear. It follows that the Examiner is not in a position to establish a prima facie 35 USC § 103(a) case against claims 19 and 41. Therefore, claims 19 and 41 are patentable over Matthews, Fryer, Gear and Kunda/McCanta .

#### Claim 29

In section 16 of the Action, the Examiner rejects claim 29 under 35 USC § 103(a) as being unpatentable over Matthews, in view of Fryer and Gear, and further in view of U.S. Pat. No. 5,410,698 to Danneels. The Applicants respectfully disagree.

Claim 29 depends on claim 21. The Applicants have already shown that independent claim 21 is patentable over a combination of Matthews, Fryer and Gear. Further, the Examiner is applying Danneels only with reference to the specific features of claim 29, and is not using Danneels to cure the above differences between claim 21 and a combination between Matthews, Fryer and Gear. It follows that the Examiner is not in a position to establish a prima facie 35 USC § 103(a) case against claim 29. Therefore, claim 29 is patentable over Matthews, Fryer, Gear and Danneels.

#### Claims 30, 31

In section 17 of the Action, the Examiner rejects claims 30 and 31 under 35 USC § 103(a) as being unpatentable over Matthews, in view of Fryer and Gear, and further in view of Danneels. The Applicants respectfully disagree.

Claims 30 and 31 depend on claim 21. The Applicants have already shown that

independent claim 21 is patentable over a combination of Matthews, Fryer and Gear. Further, the Examiner is applying Danneels only with reference to the specific features of claims 30 and 31, and is not using Danneels to cure the above differences between claim 21 and a combination between Matthews, Fryer and Gear. It follows that the Examiner is not in a position to establish a prima facie 35 USC § 103(a) case against claims 30 and 31. Therefore, claims 30 and 31 are patentable over Matthews, Fryer, Gear and Danneels.

Claims 55, 56

In section 18 of the Action, the Examiner rejects claims 55 and 56 under 35 USC § 103(a) as being unpatentable over Matthews, in view of Fryer and Gear, and further in view of Danneels. The Applicants respectfully disagree.

Claims 55 and 56 depend on claim 50. The Applicants have already shown that independent claim 50 is patentable over a combination of Matthews, Fryer and Gear. Further, the Examiner is applying Danneels only with reference to the specific features of claims 55 and 56, and is not using Danneels to cure the above differences between claim 50 and a combination between Matthews, Fryer and Gear. It follows that the Examiner is not in a position to establish a prima facie 35 USC § 103(a) case against claims 55 and 56. Therefore, claims 55 and 56 are patentable over Matthews, Fryer, Gear and Danneels.

New claims 59-62

New claims 59-62 are added to the present application. Support for the new claims can be found, for example, at page 8, lines 12-17 of the specification. Claims 59-62 are submitted to be patentable, by virtue of their dependency on claims 1, 21, 43 and 50.

\* \* \*

Applicants submit that all claims of the application as amended herein are in condition for allowance. Prompt issuance of a Notice of Allowance is earnestly solicited.

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The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on

May 2, 2005

(Date of Deposit)

Susan Papp

(Name of Person Depositing)

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Signature

05/02/05

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Respectfully submitted,

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Enclosures:

- Petition for excess claims fee
- Petition for extension of time
- Excess claim check in the amount of \$ 50
- Extension of time check in the amount of \$ 510
- Replacement sheets 1/3 - 3/3
- Postcard

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**AMENDMENTS TO THE DRAWINGS**

Enclosed with the present response is a copy of new Figures 1-3 to replace currently pending Figures 1-3.

Replacement Figures 1-3 are enclosed to the present response as replacement sheets 1/3  
– 3/3.

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